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4 **UNITED STATES DEPARTMENT OF JUSTICE**

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TRACY HOPE DAVIS

8 **UNITED STATES BANKRUPTCY COURT**

9 **DISTRICT OF NEVADA**

10 In re:

11 **SCHULTE PROPERTIES LLC,**

12 Debtor.

13 Case No.: BK-S-18-12734-MKN
Chapter 11

14 Date: No Date Set
15 Time: No Time Set
Location: Foley Courtroom 2

16 [Hearing Date/Time on Financing Motion
17 [ECF No. 138] set for January 2, 2019 at
18 9:30 a.m.]

19 **MOTION OF THE UNITED STATES TRUSTEE FOR A STAY OF HEARING ON
MOTION SEEKING AN ORDER AUTHORIZING THE DEBTOR TO OBTAIN POST-
PETITION FINANCING, GRANTING SUPER-PRIORITY ADMINISTRATIVE
EXPENSE STATUS, AND MODIFYING THE AUTOMATIC STAY
IN LIGHT OF LAPSE OF APPROPRIATIONS**

20 To the Honorable MIKE K. NAKAGAWA, United States Bankruptcy Judge:

21 Tracy Hope Davis, United States Trustee for Region 17 (“United States Trustee”), by and
22 through her undersigned counsel, hereby moves (“Stay Motion”) under Fed. R. Bankr. P. 9013,
23 and under all other applicable statutes and rules, for a stay of hearing on *Motion Seeking An*
24 *Order Authorizing the Debtor to Obtain Post-Petition Financing, Granting Super-Priority*
25 *Administrative Expense Status, and Modifying the Automatic Stay* [ECF No. 138] (the
26 “Financing Motion”) filed by Schulte Properties LLC (“Debtor”) in the above-captioned case,
27 which is set for hearing before this Court on January 2, 2019 at 9:30 a.m., and to which the
28 United States Trustee has objected. [See ECF No. 144].

1
2 1. At the end of the day on December 21, 2018, the appropriations act that had been
3 funding the Department of Justice, including the United States Trustee Program, expired and
4 appropriations to the Department lapsed. The Department does not know when funding will be
5 restored by Congress.
6

7 2. Absent an appropriation, Department of Justice attorneys and employees,
8 including the United States Trustee and her staff, are prohibited from working, even on a
9 voluntary basis, except in very limited circumstances, including “emergencies involving the
10 safety of human life or the protection of property.” 31 U.S.C. § 1342.
11

12 3. Undersigned counsel for the Department of Justice, through the United States
13 Trustee, therefore requests a stay of hearing on the Financing Motion until Congress has restored
14 appropriations to the Department.
15

16 4. If this Stay Motion for a stay is granted, undersigned counsel will notify the Court
17 as soon as Congress has appropriated funds for the Department, including the United States
18 Trustee Program, or enacted another continuing resolution. The United States Trustee requests
19 that, at that point, all current deadlines for the parties be extended commensurate with the
20 duration of the lapse in appropriations.
21

22 5. The undersigned counsel for the United States Trustee spoke with Debtor’s
23 counsel, Matthew L. Johnson, Esq., on December 27, 2018, and he stated that the Debtor does
24 not object to the relief sought in this Stay Motion, but only if the Financing Motion is heard no
25 later than Tuesday, January 29, 2019.
26

27 / / /
28 / / /

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the United States Trustee hereby moves for a stay of hearing on the Financing Motion until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: December 28, 2018

TRACY HOPE DAVIS
United States Trustee, Region 17

By: /s/ Edward M. McDonald Jr.
Edward M. McDonald Jr.
Trial Attorney